

The Salisbury Planning Board held its regular meeting on Tuesday, March 8, 2005 in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Len Clark, Brian Miller, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, Rev. Jerry Wilkes and Diane Young

ABSENT: Lou Manning
Mitzi Clement and Dr. James Johnson have both submitted resignations

STAFF: Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, and Lynn Raker

The meeting was called to order by Co-Chairman **Rodney Queen**. Brian Miller offered a prayer. The minutes of the February 22, 2005 meeting were approved as published.

ZONING MAP AMENDMENT

Z-03-05 Catawba College
2300 W. Innes St.
Salisbury, NC 28144

LOCATION: North of Statesville Boulevard, West of W. Innes St., & South of the College
In the Block of Summit Avenue, Brawley Avenue, Lantz Avenue, & Brenner Avenue

From: R-8

To: CU

Parcels: 001-31, 32, 33, 34, 35 (5 parcels)

Acres: 2.56

Co-Chairman Rodney Queen opened the Courtesy Hearing for Z-03-05. Preston Mitchell gave a staff presentation.

Definition

Single Family-8 Residential District (R-8) is intended primarily for detached single-family dwellings and their customary accessory buildings or structures; intended to establish areas for a density of development relative to the lot size requirements of this district.

College and University District (CU) is intended as a district for the location of college and university academic buildings, administrative buildings, and housing for both students and faculty, as well as customary accessory uses normally associated with such higher education institutions.

Vision 2020 – ‘Older Neighborhoods’ (Pre-1951)

- These neighborhoods are “some of the most architecturally significant, historic, and walkable neighborhoods in the City.”
- Fragile, socially & economically

The concept of “creeping” should be considered. Does the Planning Board and City Council feel that the possible expansion into this neighborhood poses any long-term threat to the vitality of the neighborhood?

Staff Recommendation

Approve Z-03-05, based on the adopted Supplemental Land Use Map of the Vision 2020 Plan recognizing this neighborhood block as Institutional in character and form.

The report included pictures of a street view of the neighborhood.

In 1981, this block was part of a major rezoning request by Catawba College. In this case, the Planning Board made a recommendation to Council to approve the request for rezoning, but Council denied this portion of the rezoning at that time.

Diane Young asked about the parking requirements. If this land was rezoned to CU, and if dormitories are built on this block, the land would be considered contiguous to the main campus; therefore, off-street parking would not be required. **The Zoning Administrator, David Phillips**, confirmed that is true.

She followed with a confirmation that the Zoning Board of Adjustment (ZBA) could authorize a building to exceed the height limitation. Each additional story (recommended 10 feet) would require yard dimensions increased by 5 feet.

Diane Young asked if signs would be allowed in the CU District on a corner lot where the frontage is at least 200 feet on each side. Would you be allowed one ground sign and one wall sign on each street side of that lot? **David Phillips** answered that the sign requirements would fall under the B-1 (Office Institutional) signage. That only allows one ground sign per parcel. In this case that would mean a 32-square-foot-area ground sign, 5 feet in height.

Comparing accessory uses R-8 has some restrictions in terms of setbacks of not less than 10 feet; no accessory structure shall be larger than or taller than the principal structure on the lot. These restrictions on accessory buildings or uses are not in the CU zoning district.

Those speaking in favor:

Henry Haywood, representative of Catawba College, stated that this property has been used in the past as a residence for students. The current president of the college wants students to be housed on campus. This property will serve as housing for international students/professors, and also provide some office and classroom space.

Those speaking in opposition:

William Bost, 13 Oak Road, is an attorney who owns property in the neighborhood, and grew up in the neighborhood. He gave some history of the neighborhood, and shared his recollections of the residents and structures in the neighborhood. He feels that the south side of Summit Avenue has served as a clear boundary between the college and the neighborhood. Rezoning will have a negative impact on the families and the character of the neighborhood. He reminded the Board of the shooting deaths of several Catawba College students a few years ago. He mentioned that Mayor Margaret Kluttz had recommended that, in 1994, the college open communication with the neighborhood and work at being a good neighbor. To his knowledge this did not occur. He is strongly opposed to the college building dormitories on this property.

Dennis Butler, 2032 Robin Road, requested that everyone representing the Catawba Heights neighborhood stand up; 27 stood in opposition. Although legal, the standard posting of signs and mailing of notices by the City did not give the neighborhood adequate time to organize their opposition to the rezoning. He would like more time to organize as they were able to in 1994 when they opposed the daycare. He stated that residents want to be good partners with Catawba College.

Marshall Moore, 300 Lantz Avenue, lives west of the property requesting rezoning. He brought a map to illustrate his cause. Using the map, he showed how CU was creeping into the neighborhood. The neighborhood was established in the 1930s and is fragile; only recently seeing some renewal. R-8 zoning offers more control for the neighborhood than CU zoning would.

Sam Post, 317 Lantz Avenue, grew up in this area. Mr. Post thinks this is a bad idea for the neighborhood; also a bad idea for Catawba College. A campus with a residential buffer is a nicer campus. He identified the commercial property near the campus. He noted the noise from college students who “party” in the area.

Myra Meyerhoeffer, lives across the street from the property in question. She has three children and she has concern for their safety. Illegal parking and theft have been a problem in the area. Catawba College has not maintained property well. The shooting a few years ago still haunts residents. Noise has increased in the neighborhood. She mentioned several traffic incidents. There is foot traffic at all hours. She presented a petition for residents who oppose the rezoning.

Ann Brownlee, 400 Lantz Avenue, made a PowerPoint presentation. The neighborhood and Catawba College have grown up side by side. To demonstrate the probable impact the rezoning would have on the neighborhood she sped through recent incidents in the area. The pictures in the presentation showed students sleeping on lawns, illegal parking by students in yards, parties, trash, mess on college property, speeding, etc. There exists a possibility that some property is of historic value. She also showed established landscaping in front of the residences. “There’s no place like home.”

Mike Greene, 2112 Brenner Ave, has lived there with his wife Angie since 1989. Built in 1937, they are the third owners. There is a tendency toward longevity and not a high turnover with residents. Mr. Greene wondered what options the neighborhood had. He would like communication to take place between the neighborhood and Catawba College.

Board Discussion

Brian Miller commended the neighborhood for the exemplary job they did in communicating their point of view. He came prepared to be in favor of Catawba College, but he does not feel that the college has a master plan that has been communicated. He does not want to sacrifice Catawba Heights. The college needs to be a better neighbor and take better care of its properties. There is some level that the college could use their property that would not intrude on the neighborhood. To reach that point, the college must be more engaging with the neighborhood. The college performs a vital role in our community. It is important to do what we can to support its mission. At this time, all parties have not done what they can to make this a good marriage. The college must take the first step to begin communication with the neighborhood.

Sandy Reitz disclosed that her husband taught at Catawba College for 30 plus years. They learned to love the area around the college. She supported much of what Brian Miller said. Like Brian, she will not vote in favor of the rezoning.

Len Clark said it appears that some of the current uses of Catawba's properties are nonconforming. The proposed use upon rezoning may even be less intrusive than what it has been used for in the past. He asked to investigate the application of Special Use Zoning instead.

Jeff Smith agreed with many of the statements made by Board members. The colleges in this community do play a critical role and we do want to support them. The college can look at the manner in which Rowan Regional Medical Center has dealt with growth to learn how to communicate with neighborhoods. Only when they work together will a solution be found.

Diane Young was aware of the infiltration of student activities into the neighborhood. There needs to be a lot of dialog between the college and the neighborhood.

Brian Miller offered the assistance of Planning Staff and the Planning Board to get the two sides to open communications.

Jeff Smith made a motion to deny the rezoning of Z-03-05 from R-8 to CU. Albert Stout seconded the motion with all members voting AYE.

The Board took a five-minute recess to allow the Catawba Heights representatives to clear the Council Chamber.

Z-04-05 Johnny H. Lewis
1230 Statesville Blvd.
Salisbury, NC 28144

LOCATION: Along the North side of Statesville Blvd., approximately ¾ mile west of Brenner Ave.
From: R-8
To: BCS
Parcel: 0332-019A
Acres: .47

Preston Mitchell gave a staff PowerPoint presentation. The following is from that presentation. The business was in this location before the R-8 zoning was adopted. It is legal, non-conforming; rezoning will bring the property out of the non-conforming status. The property owner will need to request a Special Use Permit to add the convenience store.

Definitions

Single Family-8 Residential District (R-8). This is intended primarily for detached single-family dwellings and their customary accessory buildings or structures and to establish areas for a density of development relative to the lot size requirements of this district.

Business Convenience Service District. This is intended primarily for the location of convenience services and retailing of merchandise specifically for the adjacent neighborhood(s). All storage of goods and merchandise must be entirely within an enclosed building. Permitted uses may not occupy a gross floor area of more than 2,000 square feet within the building in which they are located; conditional uses may not occupy a gross floor area of more than 2,500 square feet, or 25 percent more than what is allowed for permitted uses.

Vision 2020 – ‘Newer, Existing Neighborhoods’

“Salisbury’s newer existing neighborhoods refer to those parts of the City developed during the period from just after World War II to the present day. Examples of such neighborhoods include Fairview Heights, Sedgefield Acres, Meadowbrook, and Country Club Hills. Generally, these neighborhoods exhibit many of the ideals of post-war suburban America: relatively large lots and lawn areas, homes, often one story, set well back from the street.”

Policy N-11

“Architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction.”

- Argues for adaptive reuse of homes to Office & Institutional
- Staff would argue for recommendation of disapproval of rezoning if property would allow conversion of home to commercial use such as proposed; however, property already developed at small-scale commercial level.

Policy N-12

“Appropriate commercial and other services may be permitted to locate at the corners of neighborhood planning area. Existing, less intensive development located at the intersection of major streets forming the corner of a neighborhood planning area may be allowed to undergo an orderly transition in this regard.”

“One prevailing characteristic of many newer existing neighborhoods is the absence of basic services or employment opportunities within walking distance of residences.”

Staff would argue for recommendation of disapproval based on above policies and if site was vacant; however, small-scale fuel & convenience may provide basic services to neighborhood.

Staff Recommendation

Approve, based on the following:

Vision 2020 Plan states that, “Appropriate commercial and other services may be permitted to locate at the corners of neighborhood planning area.”

- The subject site already contains a neighborhood-scale commercial use and no displacement of residential uses would occur
- The BCS district would limit the allowable gross square footage to 2,500 square feet (since Conditional) if the required Special Use Permit is issued by City Council
- The adopted Supplemental Land Use Map recognizes this specific site as commercial

The gas station was built circa 1960.

Those speaking in favor:

Johnny H. Lewis, owner of the property, has been trying to sell the property for the past two years due to health issues. If the property had been zoned business or commercial rather than residential, he has been advised that he could have sold it by now. As long as he is there, he will operate as a full service gas station.

Those speaking in opposition:

Twenty representatives attended the meeting to speak against the rezoning. A petition with 104 signatures was submitted in opposition.

Earl Alexander, 1908 Meadowbrook Road, lives in his home adjacent to this property. He stated that the *Vision 2020* plan also mentions negative attributes of businesses: noise, increase in traffic, bright light, nighttime activities, and a downward spiral affecting the stability of residential property. It recommends appropriately designed and scaled office or institutional uses including architecturally compatible and residentially scaled. *Vision 2020* states...“The addition of commercial and other services at the intersection of major streets forming the corners of a neighborhood planning area (Statesville Boulevard and Jake Alexander Boulevard) can be helpful in bringing such services closer to area residents. It should be noted however, that in contrast to Policy N-11 above, such *commercial* (as opposed to *office and institutional*) development is limited to the corners of the neighborhood planning area only. This allows traffic from the commercial services to be dispersed on the intersecting major streets and diminishes the possibility that traffic will be tempted to cut through the adjoining neighborhood planning area on local residential streets.”

Dr. Norman Sloop, 1112 Statesville Boulevard and a sixty-four-year resident of the neighborhood, gave a quick history of the property. Four years ago an attempt was made to rezone an abandoned service station in front of his property; it was denied by the Planning Board (12-0) and by City Council (5-0).

There are several reasons why he thinks this is not a good idea.

1. Two convenience stores sited .7 of a mile west of this
2. Two more convenience stores sited .8 of a mile east
3. Convenience stores are notorious for generating more traffic

This is a known hazardous intersection. This also constitutes “spot zoning.”

He quoted a Mark Wineka article dated April 11 (year not mentioned), “Planning Board member Jeff Smith said that a convenience store in this Statesville Boulevard area would not fit in the recently adopted *Vision 2020 Plan*. He expressed concerns about increased traffic that might result from a convenience store and noted there were not other retail establishments between Brenner Avenue and Jake Alexander Boulevard.”

Mr. Sloop said, “Consistency demands that this Board reject this proposal as they wisely did on two previous occasions.”

James Lyerly, remembers how the neighborhood use to be, and how over the years it has been developed. Traffic and safety is an issue for this neighborhood.

Board Discussion

Jeff Smith spoke in reference to the corner planning point that was raised. In his mind four years ago and today, it is not a neighborhood corner-planning unit. The neighborhood petition indicates that the neighborhood does not want a commercial use there. He sympathized with Mr. Lewis. Statesville Boulevard is a very busy street with residential housing, which is unusual. Mr. Smith has been very happy with the rezoning across the street, the recent rezoning of Health Care Management. He will not be in favor of rezoning to BCS.

Jerry Wilkes agreed with Jeff Smith. Reverend Wilkes has lived in Salisbury nearly 30 years, and recalls when he first moved here none of the businesses were at the corner of Jake Alexander Boulevard and Statesville Boulevard. As you come from Innes Street from Statesville Boulevard, you have access to many goods and services, as you do at the other end, too. He does not see a need for a convenience store.

He does not see this neighborhood as a “walking” neighborhood. There are no sidewalks in the neighborhood. If he lived here, he would rather live with what is there than to see an undesirable change.

Brian Miller said, “If this property is not ‘sellable,’ at what point does it become an eyesore to the neighborhood that they are willing to accept some compromise?” Perhaps a less intrusive use, like an office use, could be acceptable. He would counsel the petitioner to look into that.

Mr. Miller made a motion to deny **Z-04-05**. Sandy Reitz seconded the motion with all members voting AYE.

Preston Mitchell explained to Mr. Lewis what his next steps would be. He has an option to withdraw his application, or to be heard on the City Council level.

GROUP DEVELOPMENTS

(A) G-01-87 Winn Dixie Crown Plaza Outparcel #1

David Phillips gave the staff presentation for the two group developments.

Mr. John Leatherman submitted the application for the construction of a building on Tract B within the existing group development that is located at 716-724 Jake Alexander Boulevard West. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

This will be an approximately 11,000-square-foot building with multiple tenants. Some new parking will be created adjacent to Jake Alexander Boulevard. Mr. Phillips discussed circulation, connectivity, and landscaping. The only recommendation from staff was the installation of a sidewalk along Jake Alexander Boulevard. This is not a requirement.

Public Comment

John Leatherman is the property owner. He pointed out some mature trees that would have to be moved to install a sidewalk. There is a catch basin that poses a problem for a sidewalk, too. He showed how bicycle and pedestrian traffic currently travel through the property to the “Y.”

Mr. Miller asked if Mr. Leatherman would be willing to install a sidewalk on his side of the property. He said he would prefer that over the Jake Alexander Boulevard side.

Bill Wagoner, Wagoner Construction, presented more information about a practical problem concerning vertical separation. The drainage problem inhibits the installation of a sidewalk where staff has recommended one.

Brian Miller asked about the dumpster. David Phillips said it would not be a problem like the “Chick-fil-a” dumpster at Town Creek.

Mr. Smith said he was certainly in favor of sidewalks, but this is one case where sidewalks may not make sense. **Mr. Smith** made a motion to approve **G-01-87** without the sidewalk recommendation. **Jerry Wilkes** seconded the motion with all members voting AYE.

(B) G-02-02 Royal Homes – Ashton Manor

Mr. Mike Miri, for Royal Homes Construction and Development Company, has resubmitted the application for the previously approved, expiring site plan for the construction of four six-unit condos and 78 single-family lots to be located in the 200 block of Sunset Drive. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as submitted.

No Public Comment

Board Discussion

Jeff Smith said the best thing to do when you have a subdivision that you want is to “get out of the way and let it happen.” A motion and a second were made to approve **G-02-02**. All members voted AYE.

OTHER BOARD BUSINESS

Board Members

Diane Young encouraged the sidewalk committee to start up again. Janet Gapen reminded the Board that staff is awaiting the ITRE survey due this spring.

Albert Stout asked if the neighborhood van tour had been canceled. It was rescheduled for Monday, March 21 from 1-3 p.m. Janet will schedule a trolley for transportation.

Brian Miller inquired if the Sign Ordinance Committee had been scheduled yet. Janet said she is still trying to schedule that meeting.

Chairman

Rodney Queen reminded the Board that the new Board appointments take place the first part of April. A committee should be appointed to make recommendations for the Chair and Vice Chair of the Planning Board. Brian Miller said he would be happy to serve on a nominating committee. Other members of this committee will include Jerry Wilkes, Sandy Reitz, and Albert Stout. The meeting will take place Tuesday, March 15 at 8:00 a.m. in the 1st floor conference room at City Hall.

There being no further business to come before the Board, the meeting was adjourned.

Co-Chairman, Rodney Queen

Co-Chairman, Jeff Smith

Secretary, Diana Moghrabi